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AUTHOR Jose, Cecil T.
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ABSTRACT

Compiled for a course in Contemporary Indian Issues, this bibliography contains brief descriptions of lecture topics for each week of the 11-week course followed by bibliographic references that supplement the course texts. Many of the 106 entries are for books; but journals, government reports, and publications of Indian organizations are also included. The beginning of the course schedule is a condensation of prerequisite courses on Indian cultures and Federal-Indian policy. The course closure is a condensation of a tribal economic development problems course and an applied methods course on reservation development. The need for what has been called a "transcendent" tribal identity and a "transforming" tribal leadership are key concepts. Additional topics are federal Indian law, the erosion of tribal sovereignty, the termination period (1946-54), the tribal self-determination period (1954-76), federal control over tribal decision making and management of trust property, the fishing rights controversy, Pan-Indian social activism, and the "backlash"-instigated State initiatives to abrogate Indian treaty rights. (JHZ)

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By Cecil T. Jose

Contemporary Indian Issues:

A One-Quarter Course Bibliography

In the last issue of this journal I presented a one academic quarter (four days per week) syllabus for a Contemporary Indian Issues course. The following is a bibliography for that syllabus. A brief description of lecture topics for each week is followed by some bibliographic references that supplement the course text(s).

WEEK ONE: The first day or two of this week usually involves the various "housekeeping" type duties associated with an introduction to the course. This includes an orientation to the objectives, procedures, requirements, expectations, and evaluations using the course syllabus. An overview of the course sequence is also discussed with reference to the course schedule section of the syllabus. The remainder of the week is used for covering the lecture topics listed under the theme "Theoretical Context for Evaluation of Issues." Emphasis is placed upon the cross-cultural "potential" for cooperate organization, collaborative problem-solving, consensual decision-making, and compatible actions to mutually benefit the welfare of Indian and other American societies.

Barsh, Russel L., and Henderson, James Y. *The Road: Indian Tribes and Political Liberty*. Berkeley: University of California Press, 1980.

Deutsch, Morton. "Conflicts: Productive and Destructive," *Journal of Social Issues*. Vol. XXV, No. 1 (January, 1969), pp. 7-41.

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WEEK TWO: The two most misunderstood and unappreciated aspects of pantribal affairs are (1) the cultural heritage and (2) the political legacy of North American Indian history. This week's lectures focus on these two dimensions as systematically organized parallel parameters that normatively guide and control the desired course of actions in the field of pantribal affairs toward a long range goal-direction. Emphasis is placed upon cultural heritage as a fundamental foundation for political legacy in relation to the basic concept of sovereignty. Cross-cultural differences in definitions of land, ownership, and property rights are discussed in terms of their impact on perceived scarcity of resources, competitive goals, perverted priorities, and incompatibility of actions. Indian treaties, as the cornerstone of federal Indian law, are discussed from the perspective of a chronological breakdown of the treaty-making period and judicial principles for their contemporary interpretation. The week ends with an initial discussion of the historic erosion of tribal sovereignty from its aboriginal high point to its low point in the 1920's.

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Cadwalader, Sandra L., and Deloria, Vine, Jr., eds. *The Assessment of Civilization: Federal Indian Policy Since the 1880's*. Philadelphia: Temple University Press, 1984.

WEEK THREE: The lectures for this week cover the 1920-46 period of pantribal affairs. It begins with a discussion of the change in federal Indian policy from coercive cultural assimilation, detribalization, and land base fractionization to the enhancement and strengthening of tribal self government. This change in policy is illustrated by a chronological listing of various reports and

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studies which resulted in a rise in tribal sovereignty during this period. Lectures on The Collier era include discussions of the Meriam Report and other congressional indictments of the BIA. The original Collier Bill is compared and contrasted with the 1934 IRA. The Indian Claims Commission is discussed as both a high and low point for tribal sovereignty depending on one's viewpoint. The week ends with a discussion of a policy statement of the Hoover Commission which signified another shift toward the further erosion of tribal sovereignty that was to follow.

Tyler, S. Lyman. *A History of Indian Policy*. Washington, D.C.: U.S. Government Printing Office, 1973.

Deloria, Vine, Jr., and Lytle, Clifford M. *American Indians, American Justice*. Austin: University of Texas Press, 1983.

Deloria, Vine, Jr., and Lytle, Clifford. *The Nation Within: The Past and Future of American Indian Sovereignty*. New York: Pantheon Books, 1984.

WEEK FOUR: This week's lectures cover the 1946-54 period. It begins with a discussion of the "get out of the Indian business" at the "earliest possible time" or at the "earliest practicable date" policy sentiment that began to prevail during this period. Tribal ten-year development plans, Myer's Questionnaire, and Zimmerman's proposal are discussed in terms of specifying studies available to Congress for determining various categories of tribal readiness for termination. The Catch-22 nature of these criteria are discussed (with particular attention given to the tribal development plans for hindsight comparative reference in Week Five). The BIA relocation program, HCR 108, and PL 280 are discussed as elements of the federal termination policy. The week ends with discussions of the Klamath and Menominee terminations as particularly illustrative examples of the disastrous effects of such an arbitrarily applied and malevolently motivated policy.

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Bunting, David and W.T. Trulove. *Some Experiences with Guaranteed Incomes and Lump Sum Payments: The Case of the Klamath Indians*. Paper presented to the American Association for the Advancement of Science, Dec. 20, 1970.

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Trulove, W.T. and David Bunting. *The Economics of Paternalism: Federal Policy and the Klamath Indians*. Paper presented at the 46th Annual Convention Western Economics Association, Simon Fraser University, Burnaby, B.C., Canada, Aug. 30, 1971.

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U.S. Department of the Interior of Indian Affairs, Commissioner. *Withdrawal Programming*. Memorandum to all Bureau officials, August 5, 1952.

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Report on Expediting Transfer of Bureau of Indian Affairs Education Responsibilities. Memorandum to all Area Directors, February 19, 1953.

U.S. Department of the Interior, Office of the Solicitor. *Status of New York Indians*. Memorandum to Commissioner of Indian Affairs (D-65-1130.9), May 12, 1965.

Watkins, Arthur. "Termination of Federal Supervision of Indians." *Annals of the American Academy of Political and Social Sciences*, Vol. 311, 1957.

WEEK FIVE: This week's lectures cover the 1954-76 period. It begins with two discussions of the federal realization that the termination policy of the pre-

vious period was indeed a disaster due primarily to an unsystematic approach and a lack of tribal preparation for termination. Within this context, the shift in federal Indian policy from tribal termination to tribal self-determination is discussed. Aspects of this shift in policy are illustrated somewhat in a chronological listing demonstrating an increase in (1) the formation of various Indian organizations and professional associations, (2) the number of studies particularly pertaining to Indian education, and (3) congressional legislation concerning civil rights and social services programs. PL 638 is then discussed as a legal mandate for tribal self-determination without termination of the Federal-Indian trust relationship resulting largely from "real estate transactions." In spite of federal disavowals of a termination policy, the fact that the underlying assumption of its imminence is never questioned is discussed in relation to failures to achieve the repeal of HCR 108. The "perceived" potential of PL 638 for "subtle" tribal termination through Indian education is then discussed. The tribal development plans discussed in Week Four are used as a sample rationale of those with a "sense of history" who "perceive" a perennial pattern in federal policy fluctuations that never seems to completely dissipate the fear of Catch-22 criteria being used for tribal self-termination. The analogy of the "fine print" in contracts is used in discussions of the paternalistic trusteeship that still characterizes the federal control over tribal decision-making and management of trust property in PL 638. The week ends with a brief discussion of certain political attempts to strengthen the implementation of PL 638 as well as to weaken its provisions for tribal contracting capabilities.

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WEEK SIX: A midterm exam is given before this week's lectures. It can be (1) made up of a number of essay questions from which students are required to choose and answer according to a "clear" set of instructions and conditions, and (2) take-home to be due in one or two weeks which allows the instructor to proceed with lectures. The lectures for Week Six begin with a definitional discussion of activism. Strategies of direct and indirect action along with tactics of promoting or facilitating and blocking or obstructing institutional systems are compared and contrasted. Examples of Pan-Indian social action in response to escalating social tension are given in a chronological review of Indian activism during the period under discussion in Week Five. Particular attention is given to the fishing rights controversy. Obviously, this topic can be a course in and of itself. It is here that the instructor will have to prioritize by perhaps ending the week with fishing rights and pushing the remaining weekly lecture topics down on the course schedule and deleting Week Ten's listed topics, for example. Otherwise, Week Six's lectures continue with the inception and development of socalled White Backlash organizations and their disaffection with the U.S. Court System and its "pro-Indian" decisions. Their concerns, motives, publications, and fund-raising activities are discussed. The week ends with discussion of various extremist White Supremacy groups and their proposed 10% solution involving their migration to five northwest states as the "land of least resistance" upon which a pure Aryan nation can be established.

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Williams, C. Herb, and Neubreck, Walt. *Indian Treaties, American Nightmare*. 3rd edition. Seattle: Outdoor Empire Publishing, Inc. 1977.

Barsh, Russel L. *The Washington Fishing Rights Controversy: An Economic Critique*. Seattle: University of Washington Graduate School of Business Administration, 1979.

WEEK SEVEN: This week's lectures begin with a brief discussion of the fiduciary duty and plenary power doctrines as they apply to the legislative branch of the federal government and are perceived to be abused by the judicial branch in selectively "copping out" to

the political question precept. The Backlash's disenchantment with the apparent "emotionality" reflected in the decisions of U.S. courts is then contrasted with the Backlash's deference to a more "objectively" responsive resource through the political processes of Congressional legislation. This is demonstrated by discussions of linkages between certain congressional personnel involved in the "separate dissenting views" of the 1977 American Indian Policy Review Commission Final Report and the subsequent sponsorship of eleven abrogation/termination bills that same year. How, for those with a "sense of history," this is reminiscent of linkages between certain personnel involved in the Indian Claims Commission and the subsequent termination policy is then briefly discussed. In other words, just as there was a rise in tribal sovereignty through strengthening self-government during the 1920-46 period there was a rise in tribal sovereignty through enhancing self-determination during the 1954-76 period, with both periods being followed by periods of a fall in tribal sovereignty through legislative attempts to terminate tribal governments. A rise in tribal sovereignty is again briefly reflected in a discussion of the Longest Walk, and Federal Definition of Indian Study. This is followed by another discussion of a decline in tribal sovereignty from the recent Sagebrush Rebellion on through various Backlash-instigated State initiatives/memorials to abrogate Indian treaty rights to the so-called Reaganomic Federalism. The week ends with a brief discussion of whether the 1984 Report and Recommendations of the Presidential Commission on Indian Reservation Economies signify another rise in tribal sovereignty through economic self-sufficiency or whether the Backlash/State government initiatives/memorials are just beginning attempts to lay the groundwork for establishing a public mandate as a foundation for the eventual unilateral federal termination of tribes.

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WEEK EIGHT: This week's lectures continue with discussions of how elusive economic tribal self-sufficiency seems to be just a more modern version of the recurrent cycles of the rise and fall of tribal sovereignty discussed in previous week's lectures. Accordingly, a hindsight overview of the chronological cycles from aboriginal autonomy to assimilative detribalization, from self-government to termination, and from self-determination to treaty abrogation is presented as a cynical case for a hypothetical pattern in the federal formulation of Indian policy. The concept of institutional imperialism is then discussed in the context of an inconsistency between federal administrative initiatives (1) that theoretically profess highly principled support for the conversion of the domestic sovereignty of Indian tribes into general purpose tribal governments, on the one hand, while (2) in practical implementation treat tribes as federal instrumentalities or transitory mechanisms for their eventual self-termination. The analogy of "old wine in new bottles" is applied to a discussion of the concept of neo-colonial feudalism. Discussed in this regard is the discontinuity in legislative mandates that have fluctuated within cycles of penalty-based policies which affect a fall in tribal sovereignty and incentive-based policies which arise in tribal sovereignty. The economic status of the "beneficiaries" in terms of individual and corporate social rights is discussed in relation to their actual and perceived powerlessness to personally and socially control tribal decision-making processes and outcomes. The concepts of political bossism and the marginal economic elite are extrapolated to a discussion of how a neo-colonial feudalistic structure functions to permit factionalism to be used in a "divide-and-rule" strategy. Also discussed is how a politico-economic process of underdeveloping tribal discretionary economies is based upon perceived inherent deficiencies in tribal cultures that tend to traditionally define natural resources in terms of their spiritual and survival or sustenance value instead of their commercial or profit and recreational value. Following this, how a transformation of the former into the latter could then be used to justify the use of tribal resources to subsidize the national economy is discussed. Addressed next is how an absolustic either-or forced choice (or "offer you can't refuse") between the dichotomy of (1) a living death in a viciously chronic cycle of Indian poverty resulting from the former definitions and (2) a sustained self-sufficiency resulting from the latter definitions is really no choice in terms of the plausibility and desirability of either alternative. Examples used as empirical referents for these epistemic lectures can include the Allotment Act, Indian

Claims Commission, various submarginal land cases, Alaska Native Claims Settlement Act, James Bay Agreement, Lubicon Lake Project, and/or the Navajo-Hopi land issue. The week ends with a brief introduction to various holistic management information ecosystem models that could be useful for tribal planners. This week's lectures are obviously a condensation of an economic development problems course that should follow this contemporary Indian issues course.

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Thomas Robert, K. "Colonialism: Classic and Internal," The *New University Thought*, Vol 4, No. 4, 66-67.

Thomas, Robert K. "Powerless Politics," *The New University Thought*, Vol. 4, No. 4, 66-67.

Thomas, Robert K. "American Indians: Struggling For Power and Identity." *New York Times Magazine*, February 11, 1979.

WEEK NINE: This week's lecture topics as listed on the course schedule of the syllabus are self-explanatory in that if the instructor uses Pevar as a text, the content is well-explained. The following are references that either supplement Pevar or address topics on the course schedule that Pevar does not explain or elaborate. This week's lectures are obviously summary since they are limited by time and can be covered in more depth or detail in a follow-up seminar on Federal Indian law course utilizing practicing attorneys as guest speakers.

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WEEK TEN: As indicated in the previous course syllabus article, this week's lecture topics are optional. They are included as previously stated because of a curriculum integration project involving the collaborative efforts of the Women's Center and Indian Studies Program at Eastern Washington University where this Contemporary Indian Issues course is taught. Since the bibliographic references for this week's lectures include a listing of 41 reprints, an annotated bibliography of 21 entries for Native American Women Today: Leadership Roles and Feminism, 59 entries for the Indian Child Welfare bibliography, it will not be included in this article. This week's lectures could also be developed into a separate course.

WEEK ELEVEN: Obviously this week's lecture topics can only be covered in an eleven week academic quarter. In such a case, they are introductory and summary in content. This means that they introduce the student to and summarize the global possibility for collaborative problem-solving and consensual decision-making among Indians, their respective tribes, and other Americans, societies, or nations. The overriding theme is that, in spite of the "gloom and doom" nature of previous weeks' lectures, there always will exist opportunities for cooperative organization and compatible action for the mutual benefit and welfare of various parties with a vested interest in contemporary Indian issues.

(Bibliography is arranged in accordance with daily lecture and narrative sequence, not in alphabetical order)

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The brief narrative of weekly lectures should make the daily lecture topics listed on the course schedule of the syllabus in the previous journal article a little less cryptic or esoteric. Although the reference bibliography may be rather extensive, it is not at all exhaustive. In some instances, the instructor would have to extrapolate meaning from those theoretical type references that are not explicitly "Indian-oriented." As indicated, the beginning of the course schedule is actually a condensation of prerequisite courses on Indian cultures and Federal Indian policy and course closure is actually a condensation of a tribal economic development problems course and an applied methods course on reservation development. The need for what has been called a "transcendent" tribal identity and a "transforming" tribal leadership are key concepts